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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments filed January 17, 2006, have been fully considered.
2. Claims 27-49 are pending and have been examined, claims 1-26 were cancelled.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 63 (figure 18), 86 (figure 19). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

5. This is not a complete list of reference characters included in the drawings but not mentioned in the description, included in the description but not mentioned in the drawings, or reference characters used to designate different parts.

Claim Objections

6. Claims 31 and 39 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. "authenticating access even if results in inexact match" does not authenticate.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 31 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "inexact match" in claims 31 and 39 is a relative term which renders the claim indefinite. The term "inexact match" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 27-41 and 46-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (US Patent 6,618,806, hereinafter Brown).

Regarding claim 27, Brown teaches a computer-implemented method for creating a signature for subsequent authentication comprising the following steps (fig 2, column 3, lines 1-67): indicating to a user commencement of signature input recording (column 5, lines 1-67); creating a signature by at least in part recording input signals by type from at least one user-selected device among a plurality of selectable user input devices (column 5, lines 1-67), wherein a signal comprises a set of related software-recognizable data of the same type received from at least one input device (column 6, lines 1-67, column 7, lines 1-67), and wherein at least one user-selectable input device

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affords recording a plurality of signal types (column 7, lines 1-67), and wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device (column 8, lines 1-67).

Regarding claim 35, Brown teaches a computer-implemented method for creating a signature for subsequent authentication comprising (fig 2, column 3, lines 1-67): receiving user selection of at least one signal type among a plurality of selectable signal types (column 2, lines 1-55, column 5, lines 1-67); recording input data of at least one signal type from at least one user-selected input device among a plurality of selectable user input devices (column 6, lines 1-67), wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user-selectable input device (column 8, lines 1-67), and wherein at least one user-selectable input device affords recording a plurality of signal types (column 7, lines 1-67); creating a signature comprising at least in part said input data of said user-selected signal types (column 5, lines 1-67).

Regarding claim 46, Brown teaches a computer-implemented method for storing the signatures of a plurality of users (fig 2, column 3, lines 1-67) comprising the following steps: recording a plurality of signatures comprising data of a plurality of transmission types and signal types (column 2, lines 1-55, column 5, lines 1-67), wherein a transmission type comprises indicia of a user-selected input device among a plurality of user-selectable devices (column 6, lines 1-67), wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable

input associated with at least one user input device (column 8, lines 1-67); partitioning said signature data by transmission type and by signal type (column 5, lines 1-67).

Regarding claim 48, Brown teaches a computer-implemented method for creating a signature (fig 2, column 3, lines 1-67) comprising the following steps: recording user input of a plurality of signal types from at least one user-selected device among a plurality of user-selectable devices (column 2, lines 1-55, column 5, lines 1-67), wherein a signal type comprises a category, among a plurality of possible categories, of measurable variable input associated with at least one user input device (column 8, lines 1-67); receiving user selection among those signal types recorded (column 5, lines 1-67), whereby receiving user selection of at least one less signal type than recorded for said device (column 8, lines 1-67); creating a signature comprising at least in part said user-selected signal types (column 5, lines 1-67).

Regarding claim 28, Brown teaches wherein said recording comprises signals from a plurality of user-selected devices (column 5, lines 1-67).

Regarding claim 29, Brown teaches with the additional step of receiving user selection of at least one signal type from a plurality of signal types associated with at least one user input device (column 5, lines 1-67).

Regarding claim 30, Brown teaches with the additional step of passively terminating authentication comparison of a subsequent signature submission to said recording, thereby authenticating said subsequent signature (column 5, lines 1-67, column 6, lines 1-67).

Regarding claim 32, Brown teaches wherein the inexactness of said inexact match comprises a user-designated tolerance (column 8, lines 1-67).

Regarding claim 33, Brown teaches with the additional step of presenting at least a portion of said recording to said user for editing (column 5, lines 1-67, column 7, lines 1-67).

Regarding claim 36, Brown teaches wherein said recording comprises a plurality of user-selected devices (column 5, lines 1-67).

Regarding claim 37, Brown teaches such that said recording precedes said receiving signal type selection (column 5, lines 1-67).

Regarding claim 38, Brown teaches wherein at least one said signal type comprises input from a plurality of devices (column 5, lines 1-67).

Regarding claims 31 and 39, Brown teaches with the following additional steps: comparing a subsequent signature submission to said recording; authenticating access even if said comparison results in an inexact match (column 8, lines 1-67).

Regarding claims 34 and 40, Brown teaches with the additional step of editing said recording (column 5, lines 1-67).

Regarding claim 41, Brown teaches wherein said recording comprises a plurality of user-selected signal types (column 5, lines 1-67).

Regarding claim 47, Brown teaches with the additional step of storing a signature at least in part by partitioning said signature into portions by signal type, such that at least one portion references another portion of said signature (column 7, lines 1-67, column 8, lines 1-67).

Regarding claim 49, Brown teaches with the additional step of receiving user indication to edit said signature (column 5, lines 1-67).

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Halstead (US Patent 5,896,497).

Regarding claim 42, Halstead teaches a computer-implemented method for incrementally authenticating a signature while receiving user input comprising (abstract, figs 1-2): iteratively receiving a plurality of portions of user input data and performing a corresponding authentication step for each portion (column 2, lines 45-67, column 3, lines 1-67), wherein the first authentication step upon receiving a first portion of said user input comprises accumulating keys based upon matching correspondingly key data to said first portion of user input data (abstract, column 2, lines 45-67), wherein a key comprises at least in part a portion of a previously stored signature, said signature divisible into portions, said keys associating portions sequentially either integrally or by reference (column 2, lines 45-67, column 3, lines 1-67), wherein, upon receiving each subsequent portion after said first portion, discarding from further processing previously accumulated keys based upon failure in matching respective key data to said user input data portion (column 2, lines 45-67, column 3, lines 1-67); whereby continuing said

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iterative process until completing authentication by matching said last key to corresponding said user input data portion, or by process of elimination determining authentication impossible (column 2, lines 45-67, column 3, lines 1-67).

Regarding claim 43, Halstead teaches wherein accepting said match within a designated tolerance of inexactness (column 2, lines 45-67, column 3, lines 1-67).

Regarding claim 44, Halstead teaches wherein accessing at least one key by reference from another key (column 2, lines 45-67, column 3, lines 1-67).

Regarding claim 45, Halstead teaches wherein said first portion comprises input from a plurality of devices (column 2, lines 45-67, column 3, lines 1-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC

CHRISTOPHER REVAK
PRIMARY EXAMINER
4/2/06